

§ 157-4.1A. Alternative organization – cities under 250,000 only.

(a) In lieu of creating a housing authority as authorized herein, the council of any city may, if it deems wise, designate a redevelopment commission created under the provisions of Chapter 160A of the General Statutes, or a regional council of government created pursuant to Part 2 of Article 20 of Chapter 160A of the General Statutes, to exercise the powers, duties, and responsibilities of a housing authority as prescribed herein, or may itself exercise such powers, duties, and responsibilities. Any such designation shall be by passage of a resolution adopted in accordance with the procedure and pursuant to the finding specified in the first and second paragraphs of G.S. 157-4. In the event the council of any city designates itself to exercise the powers, duties, and responsibilities of a housing authority, then where any act, proceeding, or approval is required to be done, recommended, or approved both by a housing authority and by the council of the city, then the performance, recommendation, or approval thereof once by the council of the city shall be sufficient to make such performance, recommendation, or approval valid and legal. In the event the council of the city designates itself to exercise the powers, duties, and responsibilities of a housing authority, it may assign the administration of the housing programs, projects, and policies to any existing or new department of the city.

(b) The council of any city which has prior to July 1, 1969, created, or which may hereafter create, a housing authority may, in its discretion, by resolution abolish such housing authority, such abolition to be effective on a day set in such resolution that will allow sufficient time to wind down the operations of the housing authority. Upon the adoption of such a resolution, the housing authority of the city is hereby authorized and directed to take such actions and to execute such documents as will carry into effect the provisions and the intent of the resolution, and as will effectively transfer its authority, responsibilities, obligations, personnel, and property, both real and personal, to the city. Any city which abolishes a housing authority pursuant to this subsection may, at any time subsequent to such abolition or concurrently therewith, exercise the authority granted by subsection (a) of this section.

On the day set in the resolution of the council, all of the following apply:

- (1) The housing authority shall cease to exist as a body politic and corporate and as a public body.
- (2) All property, real and personal and mixed, belonging to the housing authority shall vest in, belong to, and be the property of the city.
- (3) All judgments, liens, rights of liens, and causes of action of any nature in favor of the housing authority shall remain, vest in, and inure to the benefit of the city.
- (4) All rentals, taxes, assessments, and any other funds, charges or fees, owing to the housing authority shall be owed to and collected by the city.
- (5) Any actions, suits, and proceedings, pending against, or having been instituted by the housing authority shall not be abated by such abolition, but all such actions, suits, and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the city shall be a party to all such actions, suits, and proceedings in the place and stead if the housing authority and shall pay or cause to be paid any judgments rendered against the housing authority in any such actions, suits, or proceedings, and no new process need be served in any such action, suit, or proceeding.
- (6) All obligations of the housing authority, including outstanding indebtedness, shall be assumed by the city, and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the city.
- (7) All ordinances, rules, regulations and policies of the housing authority shall continue in full force and effect until repealed or amended by the council of the city.

(c) Where the governing body of any municipality has in its discretion, by resolution abolished a housing authority, pursuant to subsection (b) of this section, the governing body of such municipality may, at any time subsequent to the passage of a resolution abolishing a housing authority, or concurrently therewith, by the passage of a resolution adopted in accordance with the procedures and pursuant to the finding specified in G.S. 157-4.1, designate an existing redevelopment commission created pursuant to Article 22 of Chapter 160A of the General Statutes, or a regional council of government created pursuant to Part 2 of Article 20 of Chapter 160A of the General Statutes, to exercise the powers, duties, and responsibilities of a housing authority. Where the governing body of any municipality designates, pursuant to this subsection, an existing redevelopment commission or a regional council of government to exercise the powers, duties, and responsibilities of a housing authority, on the day set in the resolution of the governing body passed pursuant to subsection (b) of this section, or pursuant to subsection (c) of this section, all of the following apply:

- (1) The housing authority shall cease to exist as a body politic and corporate and as a public body.
- (2) All property, real and personal and mixed, belonging to the housing authority or to the municipality as hereinabove provided in subsections (a) or (b), shall vest in, belong to, and be the property of the existing redevelopment commission or regional council of government.
- (3) All judgments, liens, rights of liens, and causes of action of any nature in favor of the housing authority or in favor of the municipality as hereinabove provided in subsections (a) or (b), shall remain, vest in, and inure to the benefit of the existing redevelopment commission or regional council of government.
- (4) All rentals, taxes, assessments, and any other funds, charges, or fees owing to the housing authority or owing to the municipality as hereinabove provided in subsections (a) or (b), shall be owed to and collected by the existing redevelopment commission or regional council of government.
- (5) Any actions, suits, and proceedings pending against or having been instituted by the housing authority or the municipality, or to which the municipality has become a party as hereinabove provided in subsections (a) or (b), shall not be abated by such abolition but all such actions, suits, and proceedings shall be continued and completed in the same manner as if abolition had not occurred, and the existing redevelopment commission or regional council of government shall be a party to all such actions, suits, and proceedings in the place and stead of the housing authority or the municipality, and shall pay or cause to be paid any judgments rendered in such actions, suits, or proceedings, and no new processes need be served in such action, suit, or proceeding.
- (6) All obligations of the housing authority or the municipality as hereinabove provided in subsections (a) or (b), including outstanding indebtedness, shall be assumed by the existing redevelopment commission or regional council of government; and all such obligations and outstanding indebtedness shall be constituted obligations and indebtedness of the existing redevelopment commission or regional council of government.
- (7) All rules, regulations, and policies of the housing authority as hereinabove provided in subsections (a) or (b), shall continue in full force and effect until repealed and amended by the existing redevelopment commission or regional council of government.

(8) Notwithstanding G.S. 157-5 and G.S. 157-8, the term of office for all commissioners shall expire.

(d) A redevelopment commission or regional council of government designated by the governing body of any municipality to exercise the powers, duties, and responsibilities of a housing authority shall, when exercising the same, do so in accordance with Chapter 157 of the General Statutes. Otherwise, the redevelopment commission shall continue to exercise its powers, duties, and responsibilities in accordance with Article 22 of Chapter 160A of the General Statutes, and the regional council of governments shall continue to exercise its powers, duties, and responsibilities in accordance with Part 2 of Article 20 of Chapter 160A of the General Statutes.

(e) Upon passage of a resolution pursuant to subsection (b) or (c) of this section, the city council may appoint an interim executive director who will work with the housing authority to facilitate any transfer to the city, redevelopment commission, or regional council of government, and who will serve in that capacity until the transfer is complete. The interim executive director shall have all the powers and duties granted to an executive director pursuant to G.S. 157-5(e) along with the rules, regulations, and policies of the housing authority.

(f) This section does not apply to cities with a population of greater than 250,000 according to the latest federal decennial census. (1969, c. 1217, s. 2; 1971, c. 116, ss. 3, 4; 2017-178, ss. 1, 3.)